

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GRACE ELLEN BOTWRIGHT,

Plaintiff,

v.

Case Number 08-12998-BC
Honorable Thomas L. Ludington

UNITED STATES POSTAL SERVICE and
AMERICAN POSTAL WORKERS UNION,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND DISMISSING DEFENDANT UNITED STATES POSTAL SERVICE WITH
PREJUDICE**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 54] on August 27, 2010, recommending that Defendant United States Postal Service’s motion for summary judgment [Dkt. # 43] be granted and that Plaintiff’s complaint against the postal service be dismissed. Any party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Accordingly, the Postal Service’s motion will be granted and Plaintiff’s complaint against the postal service will be dismissed with prejudice.

It also appears from the record that Plaintiff’s most recent complaint [Dkt. # 34], filed on August 21, 2009, names a second Defendant, the American Postal Workers Union. The amended complaint was delivered to the U.S. Marshals Service on August 24, 2009 for service on the Union.

It is unclear from the record whether the Union was ever served, but the Union never filed an answer and Plaintiff never sought a default judgment. Accordingly, Plaintiff will be ordered to show cause in writing why her complaint against the Union should not be dismissed for failure to prosecute. E.D. Mich. L.R. 41.2.

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation [Dkt. # 54] is **ADOPTED**.

It is further **ORDERED** that Defendant United States Postal Service's motion for summary judgment [Dkt. # 43] is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint against Defendant United States Postal Service [Dkt. # 34] is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff is **DIRECTED TO SHOW CAUSE** in writing on or before **September 28, 2010** why her complaint against the American Postal Workers Union should not be dismissed with prejudice.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 14, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 14, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS